

ht



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,631	10/24/2000	Mary A. Flanagan	MUL1612-002	2778
8698	7590	03/31/2006	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			WOZNIAK, JAMES S	
			ART UNIT	PAPER NUMBER
			2626	
DATE MAILED: 03/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/695,631

Applicant(s)

FLANAGAN ET AL.

Examiner

James S. Wozniak

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17,19,20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-14,17,20 and 22 is/are rejected.
- 7) ☒ Claim(s) 15,16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action from 7/12/2005, the applicant has submitted an amendment, filed 1/12/2006, amending claims 1, 9, 12-15, 17, 20, and 22, while canceling claims 8, 18, and 21 and arguing to traverse the art rejection based on the amended limitations (*Amendment, Pages 10-14*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection, necessitated by the claim amendments and in view of Toole et al ("*Time-Constrained Machine Translation*," 1998).

### ***Claim Objections***

2. **Claims 19-20 and 22** are objected to because of the following informalities:

In line 1 of claims 19-20 and 22, "claim 18" should be changed to --claim 17-- in order to provide proper antecedent basis, since the aforementioned claims are currently dependent upon canceled claim 18.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3, 5, 9-10, 12-13, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toole et al (*"Time-Constrained Machine Translation," 1998*) in view of Hiroi et al (*official translation of JP 10234016 A*), and further in view of Fu (*U.S. Patent: 6,320,621*).

With respect to **Claims 1, 9, and 17**, Toole recites:

A system for translating closed caption data in a program signal during broadcast of the program signal, the program signal comprising closed caption code and text in a source language (*system for obtaining machine translated captions for real-time parallel presentation with a televised program, Pages 103-104, Section 1; Page 106, Section 3; abstract*) comprising:

A server (*server-based closed caption translator, Page 106, Section 3*) for:

Receiving closed caption codes and text in a source language (*original closed caption input (Pages 107-108, Section 3.1; Pages 103-104, Section 1)*);

Pre-editing the closed caption text in the source language to product translatable text for submission to machine translation software (*parsing prior to input to a machine translator at a server, Page 107, Section 3.1; part-of-speech tagging, Page 108, Section 3.2*);

Translating the closed caption text in the source language to closed caption text in a target language using the machine translation software and the translatable text (*Page 107, performing a machine translation on the parsed closed captions, Section 3.1*); and

A device for receiving the closed caption codes and text in the target language from the server inserting the codes and text into the program signal and transmitting the program signal to all viewers (*caption translation server, Page 106, Section 3, which would inherently require a caption insertion and transmitter means to send a program having translated real-time captions (such as a news program, Page 104) to a viewing audience such as that noted on pages 103-104*).

Although Toole teaches a closed caption input for machine translation (*Pages 107-108, Section 3.1; Pages 103-104, Section 1*), Toole does not specifically suggest that the input captions are obtained by extracting closed captions from a program signal in a decoder, Hiroi, however recites:

A closed caption decoder for extracting closed caption codes in a source language from a program signal comprising closed caption data (*Paragraph [0059]*);

Receiving the closed caption codes from the caption decoder at a translator (*receiving closed caption codes at a translation part, Paragraph [0059]*);

Toole and Hiroi are analogous art because they are from a similar field of endeavor in closed caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Toole with the caption decoder taught by Hiroi in order to implement a means for acquiring caption text from a program signal to further enable translated caption display at a time of viewing (*Hiroi, Paragraph [0012]*).

Although Toole in view of Hiroi teaches a method for closed caption translation at a server, neither reference provide a viewer with an option of displaying a translated caption. Fu, however, teaches such a feature, wherein a button enables a user to select a translated closed caption viewing option (*Col. 2, Lines 15-49, and Col. 3, Lines 1-10*).

Toole, Hiroi, and Fu are analogous art because they are from a similar field of endeavor in closed caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Toole in view of Hiroi with the button for closed caption translation viewing options taught by Fu in order to provide a user with the capability of selecting a desired closed captioning option (closed caption translation) (*Fu, Col. 1, Lines 45-55*).

With respect to **Claim 3**, Hiroi additionally discloses:

The device is a subtitle (*translating captions, which is a functional equivalent of a subtitle, Paragraph [0059]*).

With respect to **Claim 5**, Hiroi further recites:

The signal is from a television broadcast (transmitting a television signal, Paragraph [0059]).

While Toole additionally teaches translating captions from a television program (*Abstract; Pages 103-103, Section 1*).

**Claim 10** contains subject matter similar to Claim 5, and thus, is rejected for the same reasons.

With respect to **Claim 12**, Hiroi further recites:

Art Unit: 2626

Inserting target language text in program destination signals as subtitles (*Paragraph [0061]*).

With respect to **Claim 13**, Hiroi additionally recites:

Inserting the target language text in program destination signals as closed captions (*Paragraphs [0059-61]*).

5. **Claims 6-7 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toole et al in view of Hiroi et al, in further view of Fu, and yet further in view of Kim (*U.S. Patent: 5,457,542*).

With respect to **Claim 6**, Toole in view of Hiroi, and further in view of Fu teaches the closed caption translating method featuring a translation server, as applied to Claim 1. Toole in view of Hiroi, and further in view of Fu does not specifically suggest that a program signal is from a videotape recorder, however Kim teaches such a configuration (*Col. 4, Lines 50-56*).

Toole, Hiroi, Fu, and Kim are analogous art because they are from a similar field of endeavor in captioning. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Toole in view of Hiroi, and further in view of Fu with the means of acquiring caption data from a VCR as taught by Kim to increase method compatibility by adding the ability to display captions originating from a VCR signal (*Kim, Col. 3, Lines 8-12*).

With respect to **Claim 7**, Toole teaches the caption translation server as applied to Claim 1, while Kim additionally discloses text flow management software (*Col. 4, Lines 36-39*).

**Claim 11** contains subject matter similar to Claim 6, and thus, is rejected for the same reasons.

6. **Claims 2, 4, 14, 20, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toole et al in view of Hiroi et al, in further view of Fu, and yet further in view of Kirkland (*U.S. Patent: 5,677,739*).

With respect to **Claim 2**, Toole in view of Hiroi, and further in view of Fu, teaches the closed caption translating method featuring a translation server, as applied to Claim 1. Toole in view of Hiroi, and further in view of Fu, does not specifically suggest the use of a well-known caption encoder device for receiving and transmitting a translated caption signal, however Kirkland discloses such a device (*encoder, Col. 6, Lines 1-25, and caption translation, Col. 7, Line 61- Col. 8, Line 2*).

Toole, Hiroi, Fu, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Toole in view of Hiroi, and further in view of Fu, with the use of a caption encoder as taught by Kirkland in order to provide a well known means of inserting translated text into a television program for viewing (*Kirkland, Col. 5, Lines 47-67*).

With respect to **Claim 4**, Kirkland teaches a closed caption receiver having a text-to-speech synthesizer for producing an audio signal corresponding to closed caption text (*Col. 3, lines 29-47*).



With respect to **Claim 14**, Toole in view of Hiroi, and further in view of Fu, the closed caption translating method featuring a translation server, as applied to as applied to Claim 9. Toole in view of Hiroi, and further in view of Fu, does not teach a program signal as a SAP as recited in Claim 14, however Kirkland discloses:

Program destination signals as a SAP (*translating captions associated with a SAP signal, Col. 7, Line 61- Col. 8, Line 2*).

Toole, Hiroi, Fu, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Toole in view of Hiroi, and further in view of Fu with the method of translating captions associated with a SAP signal as taught by Kirkland to create a closed caption translation system capable of providing translated captions synchronized with a SAP signal so that a viewer can read and hear program dialog simultaneously in a preferred language (*Kirkland, Col. 7, Line 61- Col. 8, Line 2*).

With respect to **Claim 20**, Kirkland further discloses:  
Text in a target language comprising translated titles (*extended data service that supplies program information to a viewer, such as the title, Col. 2, Lines 58-67, and translation means, Col. 7, Line 61- Col. 8, Line 2*).

**Claim 22** contains subject matter similar to Claim 14, and thus, is rejected for the same reasons.

*Allowable Subject Matter*

7. **Claims 15, 16 and 19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: prior art does not teach:

Pre-editing process of Claim 15 in combination with the caption translation method recited in Claim 9, which further includes the further limiting step of identifying a speaker as recited in Claim 16.

Pre-editing software on a caption translation server utilizing a process including: identifying a topic to select a dictionary for translation, correcting spelling errors, identifying and demarcating names, phrase boundaries, and sentence boundaries, adding punctuation, identifying ellipses and inserting text, and inserting accents where appropriate as recited in Claim 19 in combination with the caption translation apparatus recited in claim 17.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Chang (*U.S. Patent: 5,543,851*)- teaches a method and apparatus for translating closed captions.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak  
3/2/2006



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600